

17485. Misbranding of butter. U. S. v. 561 Pounds of Butter. Product ordered released under bond to be repacked. (F. & D. No. 24952. I. S. Nos. 028154, 028155, 028156, 028162. S. No. 3201.)

Samples of the butter from the herein-described interstate shipments having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On June 16, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 561 pounds of butter at Atlantic City, N. J., alleging that the article had been shipped by the P. E. Sharpless Co., Philadelphia, Pa., in various lots, on or about June 9, 1930, and June 12, 1930, respectively, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: "Sharpless Dairy Products, Philadelphia, * * * One Pound Net;" "Pure Butter, 8 Oz. Net, P. E. Sharpless Company, Philadelphia;" "Meadow Farms Butter, Country Roll, 1 Lb. Net, Distributed by P. E. Sharpless Co., Philadelphia, Pa."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "One Pound Net," "8 Oz. Net," and "1 Lb. Net," were false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements, "One Pound Net," "8 Oz. Net," and "1 Lb. Net," were incorrect.

On June 26, 1930, the P. E. Sharpless Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the said product, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be repacked in tubs under the supervision of this department, so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17486. Adulteration of figs. U. S. v. 5 Cases of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24367. I. S. No. 022787. S. No. 2627.)

Samples of figs from the herein-described interstate shipment having been found to be moldy and infested, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On December 14, 1929, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 5 cases, each containing 120 packages of figs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Staikos Bros., from New York, N. Y., on or about November 2, 1929, and had been transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Package) "Selected Figs Product of Greece * * * Imported by Staikos Bros, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 17, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17487. Adulteration of tomato puree. U. S. v. 72 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24737. I. S. No. 028561. S. No. 3091.)

Samples of the tomato puree from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 28, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 72 cases of tomato puree, remaining in the original unbroken packages at Newburgh, N. Y., alleging that the article had been shipped by W. E. Robinson & Co., Newark Center, Del., on or about January 2, 1930, and had been transported from the State of Delaware into the State of New York, and charging